

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CHRISTOPHER DESIMONE,)
)
Plaintiff,)
)
)
v.) C.A. No. 22-12222-PBS
)
RYAN TARSUIK, et al.,)
)
Defendants.)
)

ORDER

January 11, 2023

Saris, D.J.

On December 28, 2022, pro se litigants Ryan Tarasuik and JoAnn Bernard filed a notice of removal (Dkt. Entry #1) with regard to a pending summary process against them in the Northeast Housing Court of Massachusetts, see Desimone v. Tarasuik, et al., 22H77SP001207 (N.E. Hous. Ct. Mass.).

A defendant seeking to remove a state court action to a federal district court must file a notice of removal in the federal district court "within thirty days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based." 28 U.S.C. § 1446 (emphasis added).

Tarasuik and Bernard did not remove this action within 30 days of receiving the complaint. They represent that they were served with the summonses and complaint in this action on March 14, 2022. Notice of Removal at 1. (Indeed, the docket sheet of the state court proceeding, which Tarasuik and Bernard attached to the notice of removal, indicates that they each filed an answer to the complaint on March 30, 2022. Id., Ex. A at 2.) Because Tarashik and Bernard did not remove this case until December 28, 2022, the removal was untimely and therefore improper.

Accordingly, this action is REMANDED to the Northeast Housing Court. The Clerk is directed to enter an order of remand within five (5) days, notify the Northeast Housing Court in accordance with 28 U.S.C. § 1447(c), and close this action.

SO ORDERED.

/s/ Patti B. Saris

PATTI B. SARIS
UNITED STATES DISTRICT JUDGE